S.B. CIVIL WRIT PETITION NO.942/2003.

PARIYOJNA ADHIKARI BAL VIKAS PARIYOJNA
VS.
LABOUR COURT, UDAIPUR.

DATE OF ORDER : 26.03.2007.

**HON'BLE MR. GOVIND MATHUR, J.**

Mr. Shyam Ladrecha, AGA, for the petitioner.
Mr. Bharat Devasi for the respondent/s.

By this petition for writ validity, propriety and correctness of the award dated 01.01.2002 passed by Labour Court, Udaipur in Labour Disputes Case No.74/1995 is questioned, whereby a compensation in a tune of Rs.25,000/- is awarded to the respondent workman in lieu of reinstatement in service.

In brief, facts of the case are that the appropriate government under a notification dated 11.06.1994 referred an industrial dispute to the Labour Court, Udaipur in the terms as to whether the termination of workman Smt. Narbada Devi, Aanganwadi Karyakarta by the employer Vikas Pariyojna Adhikari, Sagwada is legal and justified, and if not, then for what relief, the workman is entitled?

The Labour Court after considering the entire material available on record, reached at the conclusion that the termination of the workman from service amounts to the retrenchment and that was effected without adhering the provisions of Section 25-F of the Industrial Disputes Act, 1947. The Labour Court after holding the retrenchment illegal, instead of ordering for reinstatement in service, allowed a compensation in a tune of Rs.25,000/-.

From examination of the award impugned, it is apparent that the Labour Court found the respondent workman in continuous service and on basis of the evidence available on record, also reached at the conclusion that he was retrenched from service without adhering mandatory condition precedent for a valid retrenchment I do not find any just reason to interfere with the award impugned.

As such, the writ petition is dismissed.

**(GOVIND MATHUR)J.**

Anil/